

Remarks:

Applicants have added new claims 47-60. Claims 47-53 are supported by claims 13-21, and claims 54-60 are supported by claims 28-34. Therefore, the new claims do not introduce new matter.

The Office Action restricted claims 13-46 into three groups as follows:

- I. Claims 13-27, drawn to a method to obtain an immunotherapeutic agent;
- II. Claims 28-34 and 38-43, drawn to a lyophilized immunotherapeutic agent and a pharmaceutical agent; and,
- III. Claims 35-37 and 44-46, drawn to a method for treating tuberculosis.

In addition, the Office Action requested election of one or more species as follows:

- A species of MTB-C strain;
- A specifically named non-ionic surfactant;
- A specifically named liposome auxiliary lipid; and,
- A specifically named drug.

Applicants agree with the Examiner that claims 13-46 are generic.

Applicants elect Group II. This election is made with traverse because the Office made a mistake in assigning claim 20 to Group I. Claim 20 is a product-by-process claim, and relates to an immunotherapeutic agent, not a method to obtain it. Claim 20, therefore, should be assigned to Group II. Applicants respectfully request reconsideration of the restriction requirement, and that the Office include claim 20 within Group II.

Applicants elect the following species: MTB-C strain, H37Rv; non-ionic surfactant, octylphenol ethoxylate having 7-8 mol of ethylene oxide; liposome auxiliary lipid, phosphatidylcholine. The specifically named drug relates to claim 37 and 46, which are not elected herein. Accordingly, Applicants have not elected a named drug. Elected claims 20, 28-34, 38-43, and new claims 47-60 read on the elected species.

The species election is made with the understanding that it will assist the Examiner with the initial search, and that the Examiner will rejoin and search additional species once the elected species are determined to be clear of the prior art.

Applicants believe that the foregoing is fully responsive to the restriction requirement and the claims are in condition for examination on the merits, which action is respectfully requested.

Respectfully submitted,

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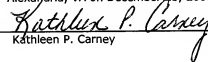
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The Director is hereby authorized to charge or credit Deposit Account No. **18-0350** for any additional fees, or any underpayment or credit for overpayment in connection herewith.

I hereby certify that this correspondence is being electronically transmitted to: Commissioner for Patents, Alexandria, VA on December 23, 2008.


Kathleen P. Carney